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FOR IMMEDIATE RELEASE

Five Arizona Inmates Affected by U.S. Supreme Court Ruling

(Phoenix, Ariz. - March 1, 2005) Attorney General Terry Goddard today responded to the U.S. Supreme Court ruling in the Missouri case *Roper v. Simmons*, where the court decision now bars capital punishment for defendants who were under age 18 at the time they committed first-degree murder.

The 5-4 decision, authored by Justice Anthony Kennedy, affects five Arizona defendants who have been sentenced to death and who are currently awaiting state or federal appellate action: Tonatihu Aguilar, Levi Jackson, Kenneth Laird, Martin Soto-Fong, and James Davolt.

There are other first-degree murder cases in Arizona that are currently awaiting trial and that involve a defendant who was under the age of 18 at the time of the crime. In those cases, the death penalty will no longer be an available punishment.

"The Courts still have options when sentencing juveniles who commit murder, including sentencing someone to a natural life sentence, which is a life sentence with no possibility of parole or release," Goddard said.

In the five current death penalty cases pending appeal, the defendants will be re-sentenced by a judge, who will determine whether to impose a life sentence or a natural life sentence. The *Roper* decision overrules a 1989 decision, *Stanford v. Kentucky*, in which the Court rejected the proposition that the Constitution bars capital punishment for juvenile offenders between the ages of 16 and 18.

The Court held in *Roper* that, based on an emerging national consensus against the execution of offenders in this category, imposition of the death penalty against juvenile offenders violates the Eighth Amendment's prohibition against cruel and unusual punishment. Justices David Souter, Ruth Bader Ginsburg, John Paul Stevens and Steven Breyer joined in the opinion of the Court. Justice Sandra Day O'Connor and Justice Antonin Scalia filed dissenting opinions. Chief Justice William Rehnquist and Justice Clarence Thomas joined in Scalia's dissent.

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